THE COURTS.

Mrs. Fisk and the Union Pacific Railroad.

THE INDICTED POLICE COMMISSIONERS

Verdict Against the Metropolitan Gas Company.

BUSINESS IN THE OTHER COURTS.

In the United States Circuit Court yesterday udge Nathaniel Shipman took up the case of Aruson and Wijzinski vs. the Collector of this port. in 1871 the plaintiffs imported from Europe ten cases of nitro-benzoic, upon which the Collector assessed a duty of flity per cent ad valorem. The plaintiffs objected to payment of this duty. made two protests, and, having paid the duty. brought the present suit to recover what they claim is an excessive tax. Nitro-benzole is not a natural product, but is composed of two materials, nitric acid and benzole. The Collector claims that, under the statute, the article in question bears a resemblance, in the uses to which it is applied, to the essential oil of bitter almonds, and that, therefore, it is liable to a duty of fifty per cent ad valorem, while the point made by the importers is that the article, being simply nitro-benzole, is subject to a duty of forty cents a gallon only. The case, which has been once tried without any definite result, will be brought to a close to-day. Police Commissioners Charlick and Gardner were

admitted jesterday by Judge Brady, holding the Court of Over and Terminer, in \$1,000 ball on each of the four indictments found against them by the Grand Jury of the General Sessions. Their trial was set down for a week from next Monday.

The Metropolitan Gas Company cut off the cas of an uptown boarding house keeper. A suit brought against the company for damages was tried yesterday before Judge Freedman, of the Superior Court, and a verdict for \$2,050 given against the company.

THE UNION PACIFIC RAILROAD.

Suit of Mrs. Lucy D. Fisk.

Yesterday, in the United States Circuit Court, Judge Blatchford rendered a decision in the case of Lucy D. Fisk, as executrix of James Fisk, Jr., deceased, vs. The Union Pacific Railroad Company and others. The Judge says :-I am of opinion that the demurrer to the

amended bill for multifariousness must be overruled. The amended bill is properly and aptly framed to compel the restoration to the company of what it has been deprived by the frauds alleged in the amended bill. The allegations to that end are pertment, the subject matter and the parties are properly joined in one suit, and the prayers for relief are proper. The plaintiff, sueing as an relief are proper. The plaintiff, sucing as an admitted stockholder to the extent of six shares, has a right, as bearing upon her status as a stockholder and her relation as a stockholder to the company and her co-stockholders and as an incident of a suit brought on behalf of all stockholders, and in view of the necessity which may arise in the progress of the suit to determine who are stockholders and to what extent, to have it determined in this suit as between her and the company whether she is a holder of six snares or of 2,006 shares or of how many snares. As to whether, after restoring to the company what it has lost, the Court will go further in this suit and award any specific money or property to the plaintiff and the other stockholders as against the company or any of the defendants is a question which will arise on the making of the decree. There is no demurrer to the relief prayed for in this respect (Story's Eq. Pl., section 528). All the allegations of fact on which such relief could be asked for are allegations pertinent to the question of restoring to the company its lost property. On the allegations of the bill no interest other than that represented by desendants guilty of the frauds alleged is represented by the Credit Mobilier, but it is a proper party for conformity. The title of holder of the stock unlawfully issued is not impeached, and the only relief asked in regard to such stock is that the defendants, who have profited by issuing such stock, may repair the impry they caused by its issue and restore to the company what they gained thereby.

John M. Bah for plantiff and Stickney and Hammond for defendants. admitted stockholder to the extent of six

THE INDICTED POLICE COMMIS-SIONERS.

They Are Admitted to Bail and Their Trial Set Down for Monday Week.

plication was made by Mr. Davenport, counsel for Police Commissioners Charlick and Gardner, that they be admitted to bail on the indictments lately

brought in against them by the Grand Jury of the Court of General Sessions.

Judge Brady asked what the charges were.

Mr. Davenport said that there were four charges of misdemeanor, three of them for excluding watchers from inside the railing at the election polls, and one for removing, without notice, an election inspector. ection inspector.
Judge Brady said he would fix the buil at \$1,000 or each charge.

Mr. Davenport then requested that the same all be fixed in the case of Burke, against whom imilar indictments had been found.

Judge Brady answered that he saw no objection of this, and so ordered.

Mr. Davenport next asked that the trials be set own to succeed immediately the case then on

Judge Brady said he thought it better to set them for a definite day, and fixed a week from next Monday as the time.

The prosecution are evidently intending to fight

their side of the case with unusual vigor, no less than three counsel having been specially retained on behalf of the people—Messrs. Wheeler H. Peckam, John R. Fellows and George E. Wingate, Commissioner Gardner was in Court, but Commissioner Charlick did not put in an appearance. The latter gentlemen are to be represented by A. Oakey Hall and John Kelly.

BUSINESS IN THE OTHER COURTS.

SUPREME COURT-CIRCUIT-PART 2. Suit as to Ownership of Shot and Shell Purchased from the Government.

Before Judge Van Vorst. In 1870 Charles Dusenbury, Homer Fisher and others formed a partnership for the purchase of shot and shell to be sold at auction by the United States government, at Baton Rouge, La. A large quantity was bought for four cents a pound, but, s sileged, some of the partners refused to pay their share of the purchase money. After this Mr. Dusenbury, as claimed, invested in this debris of the war \$13,000 on his own account, and shipped the same to this city, where it was placed on a barge at the foot of Thirteenth street, North River, Mr. Fisher, as further alleged, bought the barge from the owners, removed the same, with the cargo, to Jersey City and there took an attachment against the property. Mr. Dusenbury took out a replevin and on the next day Mr. Fisher removed the barge and cargo back to this city. Another replevin was taken out here by Mr. Dusenbury in which he gave \$20,000 honds. Mr. Dusenbury in which he gave \$20,000 honds. Mr. Dusenbury now brings suit to determine the title to the property. The case came to trial yesterday. The defence is that the plaintiff, the deponent and the other partners bought the property in question jointly. As already intimated, the plaintiff claims that this was his exclusive purchase. The trial will probably occupy two or three days. their share of the purchase money. After this Mr.

SUPBEME COURT-CHAMBERS-

By Judge Lawrence,
Shattuck vs. Sherman, Reference ordered,
Dana vs. Sleekbeck; Commercial Bank of Kentucky vs. Varnam; Same vs. Turnly; Hembacher vs. McCarthy; Hawkins vs. Hawkins; Noonan vs. Dunphy; Cassidy vs. Schedel; Andrews vs. Deliuc. Memorandums.
Compton vs. Chase; Equitable Life Assurance Company vs. Salter; Same vs. Same; Mulford vs. Brundage; Ferris vs. Hamilton; Culkin vs. The Mayor &c.; Phillips vs. McCormack; Appiebee vs. Brevoort; Brooks vs. Flitner; Johns vs. Norris; Raynor vs. Lubs; Greenwich Bank vs. De Groot; Sands vs. Rushton; Henderson vs. Kirtand; Priedman vs. Bassford; Brown vs. Keys; Chesterman vs. Purdy; Hasbrouck vs. Bond; Hauss vs. Hazlett; Home Insurance Company, vs. Hawsman; Foster vs. National Ice Company; Powers vs. Trenor.—Granted.

Frenor.—Granted.
Schmidt vs. Altschne; Ritterband vs. Jacobsen;

andums. Coleman vs. Poran.—Granted. Memorandum. McGinnis vs. Hotaling.—Denied; \$10 costs. Union Trust Company vs. Secrett.—Order

SUPERIOR COURT-TRIAL TERM-PART 1. Verdict of Damages Against & Gas Com-

pany. Before Judge Freedman. Mrs. Elizabeth Morey kept a boarding house at No. 343 West Fiftieth street. Through some oversight the Metropolitan Gas Company, which furnished gas for the house, neglected for two years to send in any gas bills. Discovering the error, a bill was sent to the lormer tenant for \$170 and to Mrs. Morey for \$125. She sent back word that her fusband was absent, but would settle the bill. Soon after she deposited \$50 with the company, had a meter put in on her own account and paid the bills as rendered. But as the husband failed to pay the old bill, although the company had failed to make out any account to him, they cut off her gas. She brought suit accordingly for \$2,000 damages and the \$50 she had on deposit. The case was tried yesterday and a verticit was given for the full amount claimed.

Messrs, Johnson & Lord and George A. Martin for plaintiff, and Messrs. Beardslee & Cole for defendants. sight the Metropolitan Gas Company, which fur-

. SUPERIOR COURT-SPECIAL TERM.

Decisions. By Judge Van Vorst.

Archer et al. vs. Flynn et al.—Judgment for plaintiff. See memorandum.
Lustig vs. Lustig.—Order sett ed.
Roberts vs. White et al.—Judgment settled and signed.

COURT OF OYER AND TERMINER. The Railroad Bond Forgeries.

* Before Judge Brady. Another day was consumed yesterday in the effort to get a jury for the trial of Andrew L. Roberts charged with complicity in the assuing of the forged New York Central Railroad bonds. the rigid examination by Mr. A. Oskey Hall, leading counsel for the accused, they managed to get through the entire second panel without making out the necessary complement. From the two panels cleven jurors have been obtained. An additional panel was ordered for this morning, and it is not improbable that the trial proper will be entered upon to-day.

COMMON PLEAS-TRIAL TERM-PART I. Charge of False Imprisonment and Suit for Damages. Before Judge J. P. Daly.

Barney Graaf occupied for ten days in May, 1870, a portion of the basement of the Knox Building, corner of Broadway and Pulton street. Finding him removing a portion of the fixtures and endangering thereby the safety of the structure Mr. gering thereby the safety of the structure Mr. Charles Knox, the owner, remonstrated with him, but the remonstrance was of no avail and finally Mr. Knox had him arrested, when he was taken before the police magistrate and detained there till ne could procure \$200 bail to answer the charge of treapass which had been preferred against him. Although, as stated, not appearing for trial, but forfeiting his bail, he now claims \$5,000 damages for what is designated in the complaint as laise imprisonment, and has brought suit against Mr. Knox for this amount. The defence embodies the statement of facts as given above. The trial of the case began yesterday, and will probably occupy the time of the Court for a day or two.

Mr. Davenport for plaintiff, and John Scribner, Jr., and W. McDermott for defendant.

Potatoes for the Department of Charitles

Potatoes for the Department of Charitles

Messrs. Alonzo and Andrew Duryea, in 1871, furnished the Department of Charities and Correction with some potatoes, for which the city re-fused to pay on the ground, as alleged, that Mr. Insect to pay on the ground, as aneged, that his.

E. Duryea, a Commissioner of Public Instruction,
was a member of the arm, and, therefore, that the
charter disqualified him from contracting to immish supplies to the city. The Messrs. Duryea
thought, nowever, that they were entitled to be
paid, and brought suit against the city. It took
but a short time to try it, and the result was a verdict for \$2,341, being the full amount claimed.

COMMON PLEAS-CHAMBERS. Jurisdiction of the Marine Court.

Before Judge Loew.

application was made yesterday for the examination of a deptor under a judgment recovered in the Marine Court. The Court ruled that, under the act of May 22, 1874, in relation to the Marine the act of May 22, 1874. In relation to the Marine Court, exclusive jurisdiction of such matters was conferred upon that Court, and he declined to grant the order. Mr. Spellissy argued that the act referred to provided only for future judgments, and not for judgments given prior to its passage, inasmuch as it reads, "in all cases where judgment shall be recovered." &c. After elaborate argument by counsel, and careful consideration of the matter by the Judge, the order was granted. This settles a point of much importance to lawyers practising in the Marine Court.

MARINE COURT-PART 1.

Important to Bankers. Sherman vs. The Metropolitan National Bank.— The plaintiff, in January, 1873, having money de-

posited with the defendants, drew a check for \$1,000, payable to the order of a Mr. Coburn, and had it certified by the bank. Coburn, after receiving the check, repudiated the contract for which it was given and returned it to the plaintiff without his indorsement. Plaintiff then took the check to the bank and demanded the money or to have it passed to his credit. The bank refused to receive the check until it was indorsed by the payee. Plaintiff informed them that under the circumstances it was impossible for him to obtain the indorsement of the payee, but the President of the bank said they should hold the money until the check was so indorsed, and advised the plaintiff to make it an object for the payee to indorse the check, even if he had to pay him \$150. The President, however, after consulting the attorneys for the bank, decided to pay the check, but refused to pay any interest, and plaintiff brought this sait to recover \$57 interest for the time during which he was deprived of the use of the money. For the defence it was claimed, that the action being for interest after the payment of the principal, there being no agreement to pay interest, the plaintiff could not recover. The Court charged the jury that the treeover. The Court charged the jury that the title to the check reverted to the plaintiff on being returned to him by the payee, and if the bank reused to pay him the money or pass it to his credit they became hable for interest during the time ne was deprived of the use of it. The jury rendered a verdict for the plaintiff for the fall amount chaimed. which it was given and returned it to the plaintiff

MARINE COURT-PART 2. Important to Bonded Warehouse Men and Importers. Before Judge Gross.

Henry J. Meyers vs. James Elliott,-The plain tiff in this case is a licensed bonded warehouse proprietor having extensive stores in different Custom House districts in this city; the defendant a large importer of linen goods from Belfast, Ireland. The latter has for years stored his goods in plaintiff's store in Vesey street. From the evidence adduced, after a lengthy trial before Judge Gross and a jury, it appeared that in the month of June, 1872, an importation of linen goods consigned to the defendant was by him stored in plaintiffs premises. Among other cases were two, marked respectively 1,736 and 1,737. In the month of January following the whole of the goods were withdrawn from bond, all, apparently, leaving the bonded store in the same condition that they were originally entered. There was no question at all raises of any tampering with them from the warehouse to defendant's store. When there examined, however, it was discovered that from the cases 1,736 and 1,737 eleven pieces of linen had been abstracted. Mr. Elliott instantly apprised the plaintiff of his loss and requested the immediate attendance of a party to examine the cases, concluding that the packages in question had been tampered with while they were in plaintiff spossession and the missing pieces there abstracted. The usual result followed. Plaintiff contended that the packages had been delivered in the same condition as he had received them, while the efendant as stoutly maintained that he would hold him responsible and deduct from his bill of indobted hess for storage on the whole consignment the value of the missing goods, amounting to \$58. One of the points resied upon by the defendant, in proof that the injury was done while plaintiff was in charge of the goods, was that Nos. 1,736 and 1,737 were originally one package, the two cases being "trussed" together with iron hoops, and that they were separated and made two separate and distinct cases in the store, and in which condition they were delivered to him. The party who put the cases together, hooped and nailed them and placed them on the dray in Belfast was in court and to this extent proved the goods in plaintiff's store as separate and distinct packages as appeared on the Custom House book if they had not been so delivered and taken into the store. The hearing of the case occupied the goods in plaintiff's store as separate cases, qualifying his testimony on this point b and a jury, it appeared that in the month of June 1872, an importation of linen goods consigned to

MARINE COURT-CHAMBERS. Decisions. By Chief Justice Shea.
Van Nostrand vs. Stimers.—Motion

Beam vs. Brooks. -- Motion granted on payment of \$10 costs. Corning vs. Untinmeyer.—Order setting cause

down for trial.

By Judge Alker.

Hill vs. Marquet.—Motion to vacate judgment on inquest denied conditionally.

Merriam vs. Watrous.—Motion to dismiss complaint denied, with \$10 costs.

Bruner vs. Ackerman.—Motion to vacate order of arrest denied, with \$10 costs of motion.

Glaz vs. Lindner.—Motion to vacate judgment denied conditionally.

COURT OF GENERAL SESSIONS. A New Trial Granted to a Man Con-

victed of Larceny.
Before Recorder Hackett.
At the opening of the court yesterday morning His flonor the Recorder announced his decision granting the motion for a new trial in the case of the Second Part, of grand larceny, it appearing that the accused was laboring under a fit of defirition tremens while the trial was progressing. His Honor said that, while intoxication was no excuse for crime, yet in this instance the mind of the accused was probably so disensed as to incapacitate him from property presenting his defence to the charge preserred against him.

John Given Sent to the State Prison for Two Years for Shooting Officer Gibney. John Given, a night watchman, who was tried for the murder of John Gibney, a policeman, at the Battery, and who was convicted last week of

mansiaughter in the fourth degree, was arraigned for sentence.

Mr. Howe spoke a few words in favor of the prisoner, reminding the Court of the view which the jury took of the occurrence, and arging the good character of Given as a reason for a light sentence.

entence. The Recorder said he did not agree with the reflect of the jury, and attributed the verdict of mansiaughter to the able manner in which fiven was defended. In settencing the prisoner to two years' imprisonment in the State Prison at hard labor, his Honor said that the punsiment for mansiaughter was far beneath what it ought to be. A Young Highwayman Sentenced to Ten Years' Imprisonment.

George Williams, a young man who was indicted for robbery in the first degree, pleaded guilty to an attempt to commit that offence. The charge was that on the 20th of May he assaulted John Hage-

that on the 20th of may be assaulted John Hardman in the Bowery and stole a silver watch from his person. The Recorder sentenced Williams to the State Prison for ten years.

Michael Walker and John Green pleaded guilty to an attempt at burglary in the third degree, having on the 22d of May broke into the liquor store of Thomas McCabe, No. 570 Eleventh avenue. These prisoners were each sent to the State Prison for two years and six months. Other Sentences.

Timothy Purcell, who was charged with stealing three soda water fountains on the 18th of May, the property of William S. Hazard & Co., was convicted of petit farceny. He was sent to the Pen-tientiary for six months.

William Wisson, alias Henry Jones, pleaded guilty to an indictment energing him with intent to steal as a pickpocket, on the 17th of May, a piece of soap, worth ten cents, from Leopoid Cohn. He was sentenced to the Penitentiary for one year.

Acquittals.

George Ben was tried upon a charge of stealing from Harriet Howard a diamond ring worth \$130, on the 8th of November last. It appeared from the evidence that the parties sustained intimate relations to each other; that the accused took the ring

tions to each other; that the accused took the ring from her finger and subsequently pawned it, and that she did not make a complaint against him until recently, hoping that he would return it. The jury rendered a verdict of not guity.

Peter Foley and Edward Morris were also promptly acquitted of a charge of attempting to steal a watch from a colored man named John W. Jones on the 6th of January, as he was passing through Thirty-third street. Assistant bistret Attorney Alien abandoned the prosecution, the detendants having shown that they were hard working men and had no participation in the alleged crime.

SPECIAL SESSIONS.

Before Judges Wandell, Murray and Smith. A boy, named Henry Kuhl, was charged with stabbing another boy, named William Cohen, on stabbing another boy, named William Cohen, on the evening of the 8th day of May last. Cohen swore positively that Kuhl had stabbed him in the cheek with a knile, and Kuhl could only deny it. Counseller Humbell lound a Western Union Telegraph me-senger, named Johnny Engle, who had seen the occurrence. He swore that Conen was cut by a stone thrown by a boy named Cook. A rigid examination by the Court failed to after this testimony, and Kuhl was acquitted.

The Murray Case.

The Murray Case. The case of "Mike" Murray, charged with keeping a gambling house, came up yesterday morning; and, on motion of counsel, an adjournment of two weeks was granted,

TOMBS POLICE COURT.

Robbery in Ann Street. Before Judge Wandell.
On Monday evening Mr. Charles Lentus, of No.

65 Fulton street, was relieved of \$96 in money by two girls, named Ann Young and Louisa Hart, in Ann street, where he stopped with them to chat. Judge Wandell held them each in \$1,000 to answer. Hotel Robber Caught.

since and put up at the Windsor Hotel. Yesterday the plumbing in his apartments was out of order, and William Westler was called in to make the necessary repairs. When Mr. Hook went to his room at noon he discovered that about \$200 worth of clothing had been taken out of his trunk, and thereupon had Westler arrested. When brought to Court the Judge held him in \$1,000 to answer.

ESSEX MARKET POLICE COURT. A Batch of Young Thieves Arrested. Before Judge Bixby.

Between nine and ten o'clock Saturday night gang of boys from fourteen to eighteen years of age stood around the jewel-ry store of Hugo Retzlaff, No. 175 Second street. Suddenly the glass was broken, a ond street. Suddenly the glass was broken, a small hand and arm thrust through the aperture, and the young theeves ran away with three valuable gold rings in their possession. Detective Shalvey arrested three of the boys yesterday morning, andrew Keprich, Michael Zandgraf and Jacob Minker. They confessed their guit and gave up the stolen property. Keprich has been arrested twice on a charge of burgiary. Judge Bixby held the three boys in \$500 bail each to answer.

A Morning Haid.

Michael Mandelson of No. 117 Feltifon errort.

Michael Mendelson, of No. 117 Eldridge street, complained against Josephine Reeder, who lives next door to him, at No. 115 Eldridge street, for keeping a disorderly house. Yesterday at eight o'clock Roundsman Horbeit, of the Court squad, with seven officers, proceeded to the house and arrested all the inmates. Five men and five women were brought into court. Josephine Reeder was held in \$500 ball to answer at Special Sessions. The otners were fined \$10 each.

JEFFERSON MARKET POLICE COURT. Cruelty to Chickens. Before Judge Murray.

Roundsman Thomas Bradiey, of the Twenty-eighth precinct, on Monday afternoon last arrested James Settens, of No. 120 King street, and John Brazzo, of No. 490 Green wich street, for having plucked feathers from chickens before killing them. Both men are poulterers in Clinton Market and are in the babit of killing a number of chickens daily. Roundsman Bradiey preferred a charge of crueity to animals against them and they were beid in \$500 ball each to answer by Judge Murray. A Wide Awake Patrolman.

Between three and four o'clock yesterday morn

ing Officer Adolph Schmidt, of the Sixteenth precinct, saw three men coming through the window of a conjectionery store kept by Diederich Meyers, of a conjectionery store kept by Diederich Meyers, at No. 139 Eighth avenue, Officer Schmidt ran over towards the store and the three men started up the avenue. He chased them for several blocks and captured one of them, named John Henry, of No. 114 West Thirty-eighth street. In his possession were found some silver coins, which yesterday were identified by Mr. Meyers as his property and which were taken from his till. Henry was held to answer on a charge of burgiary.

The Eleventh Avenue Burglary.

Three boys named Thomas Dunnigan, John Coffee and Michael Fully were brought into Court charged by Captain McDonnell, of the Twentieth precinct, with being connected with a burgiary on predict, with delig connected with a burglary on a manulactory at the corner of Thirty-third street and Eleventh avenue, on May 13. At that time some \$1,100 worth of brass finishings were parried off. Two of the boys connected with it, as well as the receiver of the stolen goods, have already been arrested by Captain McDonneil and were committed for trial about ten days ago. The three brought in yesterday were also held to answer by Judge Murray.

FIFTY-SEVENTH STREET POLICE COURT. Clearing Out a Disorderly House. Before Judge Smith.

Louis Bramson, the proprietor of the sabon at the corner of Fourteenth street and Third avenue, was arraigned by Officers McCarty and McLaughlin, of the Eighteenth precinct. He was charged with a violation of the Excise law, and was held

for trial in \$100 bail. Six females found in the place were fined \$10 each for disorderly conduct, and, in default of payment, most of them were committed.

COURT CALENDARS-THIS DAY.

COURT OF COMMON PLEAS-TRIAL TERM-Part 1-

224, 996.
COURT OF COMMON PLEAS—TRIAL TERM—Part 1—Heid by Judge Robinson.—Coort opens eleven A. M.—Set down causes.—Nos. 2219, 4072, 3883, 3571, 4078, 499, 1617, 4072, 104, 399, 4042, 4043, 4050, 2173, 4061, 2080, 4018, 4079, 1662, 1783, 1057, 1012, 2499, 1393, 1173, 2716, 4205. Part 2—Held by Judge Bally.—Nos. 512, 4070, 4062, 1682, 2709, 4153, 1477, 2741, 2744, Common Pleas—Equity Term—Held by Judge Latremore.—Nos. 10, 14, 15, 41, 42.

Marine Court—Trial Term—Part 1—Held by Judge Marine Court—Trial Term—Part 1—Held by Judge Marine Court—Trial Term—Part 1—Held by Judge Marine Nos. 4890, 5162, 4232, 4975, 5408, 3421, 4891, 1971, 4794, 5240, 5265, 5320, 5381, 4238, 3213, 3354, 4983, 4550, 4641, Part 2—Held by Judge Gross.—Nos. 4923, 4972, 4982, 5088, 4282, 5013, 5021, 4799, 4927, 1279, 1481, 4356, 4526, 3811, 5097. Part 3—Held by Judge Spaniding.—Nos. 3532, 4537, 5055, 5074, 5092, 4638, 4789, 5201, 5023, 5289, 2592, 4792, 4882, 4376.

Court of General Sessions—Held by Recorder Hackett.—The People vs. James Gorgins and Cornelius Rice, robbery; Same vs. Andrew Torney, robbery; Same vs. Frank Riley et al., burglary; Same vs. John Sell and James Jackson, burglary; Same vs. William Flynn, burglary; Same vs. Samuel Allestein, burglary; Same vs. William Flynn, burglary; Same vs. Samuel Allestein, burglary; Same vs. Patrick Williams, assault and battery; Same v

BROOKLYN COURTS.

SUPREME COURT-CIRCUIT. Judge McCue's Libel Suit Against De-

mas Barnes.
Before Judge Pappen.
After many postponements and a great deal of

discussion among lawyers and in the press the trial of the suit of City Judge Alexander McCue against Demas Barnes, proprietor and publisher of a local newspaper was finally commenced vestera local newspaper was finally commenced yesterday morning, in the Supreme Court, Circuit, oelore Judge Tappen. The plaintiff seeks to recover damages in the sum of \$50,000 for alleged libelious statements published by the defendant in his paper. Judge McCue has resided in Brooklyn for many years, and at one time was Corporation Counsel. He was interested in the Brooklyn Trust Company at the time of the suspension of that institution last summer, and it was in connection with this failure that the defendant published ine alleged libelious statements concerning him. Judge McCue alleges that the attack upon him was part of a pian of Mr. Barnes to ruin him, and that the whole secret of the attack was the failure of Mr. Barnes to secure certain political and official distinction in Brooklyn. The series of alleged libels culminated in the charge that the plaintiff was implicated in the deflications in the Trust Company; that Mil's, Rodman & Sprague were simply his tools, and that he had fied the city to escape punishment. All this, the plaintiff says, is false.

The case has excited a great deal of interest among Brooklyn officials and politicians, who crowded the court room to its utmost capacity. Among the witnesses for plaintiff present were President Ripley Ropes, of the Trust Company; william C. Kingsley, Aoner C. Keeney, John N. Wyckoff, William E. Robinson, ex-District Attorney E. J. Cullen. The case was opened for plaintiff by Mr. Tracey, who stated the ground of action substantially given acove. Ex-Judge Emott and others appear for the defendant. The case will probably be concluded to-day. Barnes' defence is a general denial. day morning, in the Supreme Court, Circuit, oe-

COURT OF SESSIONS.

The Cases of the Indicted Officials Sent to the Special Oyer and Terminer.

Before Judge Moore.

District Attorney Winslow yesterday made a motion for the transfer of the cases of the indicted officials and ex-officials from the Sessions to the next Oyer and Terminer, which will convene today, in accordance with Governor Dix's proclamation. Among the defendants are four of the tion. Among the defendants are four of the present Charity Commissioners, ex-Tax Collector Badeau and ex-Deputy Collector Gin. Mr. Winslow said that his reason for making the motion was that he believed it would be impracticable to have an early trial without taking this step. He was actuated by no personal feeling in the matter other than a desire to do his duty and dispose of these cases as quickly as possible. This motion was an ex parte one, and such, he believed, was the practice in

one, and such, he believed, was the practice in cases of this kind, it being left to the District Attorney to judge in this respect as to now cases should be tried.

Mr. D. P. Barnard opposed the motion, and said that he believed the District Attorney had no right to make an exparte move against his (Mr. Barnard's) clients. Furthermore, he did not see any reason why the cases should be taken out of this court.

Barnard's) clients. Furthermore, he did not see any reason why the cases should be taken out of this court.

Mr. Tracy, who appeared for the Charity Commissioners, also opposed, and, in the course of his remarks, said:—This motion is, to my mind, suggestive that there is a move somewhere to get these cases into a court where my clients will be at a disadvantage, and they are at a disadvantage from the very fact that their cases are to be sent to a court specially convened, and that, too, when their cases are of minor importance. That gives significance to the lact that this Court has been are not to be branded beforenand by this fact, that it has apparently been thought necessary to convene a court specially for the trial of their cases. Now, our cases are, very ordinary, and should be tried in the ordinary courts of Kings county, and if the District Attorney has any extraordinary case which cannot be tried before the ordinary courts, then I would not object to him convening an extraordinary court for the trial of his extraordinary cases.

Alter some further discussion, Junge Moore

an extraordinary court for the trial of his extraordinary cases.

After some further discussion Judge Moore said:—If this was a motion to transfer to a special Court of Oyer and Terminer or to direct that they be tried by any particular judge, that we should be compelled to deny, for the reason that the statue gives no such power to make any such direction; but it being the usual motion to transfer to the next Court of Oyer and Terminer, it is in accordance with the universal practice in this county, and the motion will be granted.

The order of transfer was then made out and the cases will therefore come up before Judge Daniels in the special Oyer and Terminer.

CITY COURT-SPECIAL TERM.

Decisions.

Decisions.

By Judge Neilson.

Graine vs. Terry.—Judgment for plaintiff on the demurrer to this complaint.

Rollin vs. The Thompson Avenue Presbyterian Church.—Referee appointed to take depositions of the persons refusing to verity affidavits.

Tell vs. Martin.—Receiver appointed.

Sheedon vs. Neison.—Case to be continued in name of the representative of deceased plaintiff.

Lyon vs. Stewart.—Motion granted.

Otto vs. ingersoi.—Cause referred.

Newman vs. Lawrence.—The like as to validity and order of ilens.

and order of liens.
Smith vs. Chasseaud.—Application denied, with-

Out costs.

Margaret Sheelay vs. Bergei Livingston, &c.—
The action was to recover \$5,000 for a personal injury to piantuff, who, while standing at the corner
of the street, was struck by the tumber projecting
at the rear end of the truck. The questions were
whether the driver was in employ of the defendants, and if so whether he was guilty of negligence; also whether the plaintiff was negligent.
Judge Nellson dismissed the case.

COURT OF APPEALS.

Judgments amrmed, with costs—Genet vs. Davenport; Beiding vs. Leichardt.
Order affirmed, with costs—The People ex rel.
Curry vs. Andrew H. Green and Others.
Appeals dismissed with costs.—Brink vs. the Republic Fire Insurance Company; Nos. 1, 2, 3
Metion desired.

and 4.

Motion denied, without costs—Smith vs. Smith.

Motion granted with \$10 costs, unless the appellant's sureties, now on undertaking, justify, if excepted to, and pay the costs of motion, \$10—

Morgan vs. Skiddy.

Calendar.

ALBANT. N. Y., June 2, 1874. The following is the Court of Appeals calendar for June 3:—Nos. 53, 55, 57, 33, 47, 52, 59, 62.

THE UNION PACIFIC RAILROAD LITIGATION.

In the United States District Court this morning Judge Lowell gave his decision on the petition that the Union Pacific Raiiroad be required to appear and show cause why it should not be adjudged bankrupt. The Court decided against the petitions

THE NEW MUSEUM.

President Grant Lays the Corner Stone of the American Museum of Natural History.

Addresses Made by Governor Dix, Robert L. Stuart, H. G. Stebbins and Professor Henry.

The corner stone of the American Museum of Natural History, now in process of erection, on Manhattan Park, Eighth avenue and Seventyseventh street, was laid vesterday afternoon by President Ulysses S. Grant, in the presence of about 3,000 representatives of the upper ten The weather was charming and the arrangements made by the trustees gave all the guests comfortable seats and an excellent view of the ceremony and the different speakers. The corner stone was supported by a derrick festooned with evergreens, and hung over the northeast corner of the building, which is now about one story high.

The Park and Eighth avenue were blocked with carriages, and by four P. M. the building was crowded with spectators, while several thousands of those who had no tickets covered the surrounding grounds. There was considerable doubt in the minds of many present whether the President would really come, but about ten minutes past four he arrived, accom-panied by Messrs. Hamilton Fish and Robeson, Governor Dix, General Hancock, the trustees the museum and others. The President was received with immense applause, and finally took a seat in the centre of the platform on the right of Mr. Robert L. Stuart, the President of the Museum.

The Rev. Stephen H. Tyng opened the business of the afternoon with an invocation, after which President Robert L. Stuart delivered an address on behalf of the trustees. After giving an elaborate sketch of the growth of the museum, Mr. Stuart closed his remarks as follows:—

Stuart closed his remarks as follows:—

We should not do entire justice to this occasion if we failed to record the gratinude of the irristees and the community to one eminent citizen whose memory is still fresh with us, and will long be kept green by the perennial growth of the charities which he sounded and sustained. To John David Wolfe, the first President of this museum, we are indebted, more than to any other one man, for its successful establishment. He entered with zeal into the project of its creation, believing that it would prove an honor to his native city and an important means of education to its citizens and their children, and, dying at a ripe old age, he commended its care and support to those who have the means and the disposition to do something for the public welfare. We lay here the corner stone of an edifice which shall be dedicated forever to the study and the calture of natural history. These massive foundations afready securely laid give promise of the most solid permanence in the superstructure. The wise forchought of the Park Commission in reserving for the future use of the miseum the remainder of Manhattan square, has provided amply for its continued growth.

The presence on this occasion of the President of the

partial square, has provided the president of the The presence on this occasion of the President of the Initial states, who has kindly consented to assist us in these ceremonies, assures us of that public interest which is necessary to sustain the undertaking. The cheering words of the Governor will doubtless send the countenance of the State to support this mistiauton, which has been tounded by its bounty. And untally, the trustees, in pledging once more their own efforts or its resident and the provided by the state of the state o

cheering words of the Governor will doubtless and the countenance of the State to support this institution, which has been founded by its bounty. And analy, the fursiers, in pledging once more their own efforts or its success, would be speak for it that popular rayor without which it must surely languish and decay.

Mr. H. G. Stebbins, President of the Department of Public Parks, then read an address that had been prepared by Mr. Salem H. Wales, who has since resigned and gone abroad. The address written by Mr. Wales explained how the Commissioners of Central Park had first lent assistance to the American Museum of Natural History by fitting up and arranging the building known as the Arsenal for the temporary reception of their collection. Such, however, has been the zeal and eartnestness displayed by the Society in the prosethe Arsenal for the temporary reception of their collection. Such however, has been the zeal and eartnestness displayed by the Society in the prosecution of its work, that the space already allotted in the Arsenal Building is now wholly inadequate for the proper display of their precious collection, and the Department of Public Parks has determined to construct a much more extensive edifice, which in its general design and purpose, should equal the largest musuem of the Old World. We are here to-day to lay the corner stone of such an edifice, and as the representative on this occasion of the Department of Public Parks I take great pleasure in assuring the trustees and the friends of the society of the great interest left by the commissioners in the success of this worthy enterprise. To the stranger who comes here to-day these rugged foundations and these rough surroundings are not well calculated to make a pleasant impression, but they can picture to themselves the spot apon which we now stand, known as Manhattan square, as covered by the proposed Museum of Natural History, costing ere its final completion not less than \$6,000,000, and embracing a collection of objects of scientific interest second to none other in the world. In conclusion Mr. Stebbins remarked:—

Stebbins remarked:—

What Mr. Wales has said and I have just read will convey a full conception of the purposes of the structure which is formally began to-day. I feel it to be a great honor to assist in the commencement of a work which will, I trust, be hastened to completion before the centennial of our independence, here to stand as a magnificent memorial of what our city has been able to accompish under free institutions and to become a part of the material resources that will ultimately go to the creation around this park of the home of a National University. What nobler exhibitions could be given of the crowning achievements of this municipality than those which this Museum and its sister institution, the Ari Gallery, will afford? This peerless bleasure ground for the people, which will proudly boest of these twin jewels as its legitimate offspring will contain within itself in ministure the records of the progress of the country. Its legitimate of spring will contain within itself in minia-ture the records of the progress of the country. Its wilderness spots remain as souvenirs of what the whole tract was a few short years a co-when a prophetic Samuel B. Ruggles saw the possibilities that are now ac-complished facts. Its artistic decorations and its Ma-seums of Art and Natural history will show the best re-sults of a high civilization and of a liberality directed by the wisest forethought and the most cultured taste. His Excellency Governor John A. Dix, then spoke as follows:—

By the wisest forethought and the most cultured taste.

His Excellency Governor John A. Dix, then spoke as follows:—

I did not come here with the slightest expectation of addressing you, although you may find it difficult to believe what I say when you see me here with my name in the published order of proceedings as a speaker. But I assure you I had no intimation from any quarter that such a service was expected or me. I only say this to exonerate myself from the imputation of having made an engagement and failed to fulfi it, and for the urther purpose of offering you an apology, which I know you will under the circumstances, deem a valid one, for responding in the most summary manner to your kindness and courtesy. I am very much gratified to be with you here. It is pleasant to stand in the midst of this brilliant assemblage of beauty and fashion and of those more solid qualities, by which the welfare and prosperity of cities and communities are wrought out. It is pleasant to see a great metropolitan city like this putung aside for a moment the haolilments of its inclustry and laving the foundation of a repository or art, in which the dead past may be linked to the living present; where the ages that have gone by may be kept in our remembrance by gathering together the memorials of their achievements; where the sately march of empires may be chronicled, in some degree by the exhibition of what they have done for social embellish whole district was refunded as the state gottles of arther the gracousness and protusion of nature may be much got goodness and protusion of nature may be made they have done for social embellish whole district was a few years ago, an unsignity and shapeless mass—radia indirectupe moles. Now it is a very miracle of rurai beauty, where the most unpromising and stubborn natural teature has been made to biend and harmonize with the general aspect of order and grace. But, ladies and gentlemen, I am forgetting that only rose to make an apology for sitting down again; and if 1g on 1 fear yo

Cabinet stands forth as its learness champion to maintain its honor and its plighted faith.

Professor Joseph Henry, Secretary of the Smithsonian Institution, made a very able address, touching mainly upon education and its gradual growth throughout the world. He said:—The establishment the beginning of which we are about to inaugurate is, in accordance with the views we have presented, worthy of the enterprise and intelligence of those who conceived and who have thus har developed it. It is to be a temple of nature in which the productions of the organic and inorganic worlds, together with the remnants of the bast ages of the human armly, are to be collected, classified and properly exhibited. It is to be rendered an attractive exhibition, which shall arrest the attention of the most observing of those who have been confined all their lives to the city and have come to consider edifices of brick and of stone as the most prominent objects of the physical world. Further on the speaker said:—

to consider edifices of brick and of stone as the most prominent objects of the physical world. Further on the speaker said:—

How incomparably greater would the importance of this Museum be were facre connected with it a project of this Museum be were facre connected with it a project who at stated periods of the year would give courses of tree lectures on the objects which it contains, who would expound the laws of the phenomena of nature, who would point out the operations of that mysterlous principle called life, who would discourse upon the changes the world has undergone during geological periods, and who would reconstruct the history of man in primitive times from the remnants of his previous existence which have been gathered in this institution? For example, what an entert would be produced on thousands of the inhabitants of this vast city fit were amounted that an Agassiz, filled with enthusiastic sympathy with airs subject and his audience, and canable of mingting moral considerations with scientific principles, of directing attention from nature up to far arranging the hearts of his audience, were up to far warning the hearts of his audience, were up to far warning the hearts of his audience, were up to far an appropriate of the history of the samplitheatre of the Museum would be overflowing with receptive and admiring auditors. I need only suggest such an arrangement to find an appreciation of its importance in every one of my hearer, and the hope felt or expressed that the directors of this establishment will endeavor to provide an endowment for the support of such a feature of the Museum. But I have not yet done. The development of the institution would not yet be completed were it even furnished with all the appliances I have mentioned. There is still smother duty which his city owes to itself and to the civilized world. I allude to an endowment for the support of a college of discoverers, of a series of the near of the rained world. I allude to an endowment of the institution would not yet be c

line is by professors in colleges, badly paid and generally overworked. nne is by professors in colleges, badly paid and generally overworked.

When Professor Henry concluded a move was made to the corner stone, and after depositing a copper box, hermetically sealed, in a noie to be covered by the stone, a couple of masons commenced spreading out the mortar. The box contained specimens of coin and currency, newspapers and pamphiets of the present day. The President was escorted to the stone by Mr. Stewart and then handed a handsome silver trowel, on which was inscribed, "This trowel was used by His Excellency Ulysses S. Grant, President of the United States, in laying the corner stone of the building erected by the Department of Public Parks for the American Museum of Natural History, and presented to him by the Trustees of the Museum. New York, June 2,1874," After the stone had been lowered on the mortar the President gave it three taps with his silver frowel and the ceremony was over. Dr. Potter, of Grace church, who escorted Mrs. Grant to the ceremony, then pronounced a benediction, and there was a general break for the arsenai, where an afternoon reception was held.

FREEMASONRY.

Opening Ceremonies of the Grand Lodge

of the State of New York.
The nipety-first annual communication of the Grand Lodge of Free and Accepted Masons of the State of New York assembled in the new Masonic Temple, Twenty-third street and Sixth avenue, yesterday afternoon. The M. W. Christopher G. Fox, Grand Master, occupied the Grand East and the following Grand officers were present:-R. W. Eliwood E. Thorn, Deputy Grand Master; Edmund L. Judson, Senior Grand Warden; James W. Husted, Junior Grand Warden; M. W. John W. Simons, P. G., Grand Treasurer; R. W. James M. Austin, Grand Secretary, and R. W. and Rev. R L. Schoonmaker, Ferdinand C. Ewer and John G. Webster, Grand Chaplains. There were also present other appointed Grand officers and Past Grand officers, including twenty-eight district Deputy

Grand Masters and the Masters of 800 lodges. At two o'clock P. M. the Grand Marshal, R. W. Charles Roome, called the body to order, and after an interval of fitteen minutes the grand officers entered in procession to the music of a grand march by an orchestra, under the leadership of W. Brother D. L. Downing, and were received with the grand honors, the Grand Marshal giving the time. Prayer was then offered by the Senior Grand Chaplain R. W. and Rev. R. L. Schoonmaker. A choir, consisting for the most part of members of St. Cecile Lodge and led by Brother by Brother A. J. H. Duganne, music by Brother J. R. Thomas. It consisted of a barytone solo, sung by Brother D. Barron, of St. Cecne lodge, 508, and

a chorus.

The roll was then called by the Grand Secretary, and, all the lodges having answered the Grand Lodge was declared opened in ample form and with the grand honors.

The Grand Master then delivered a long address, reviewing the work of the order during the past

year.

During the delivery of the address the Grand Masier was frequently applianded, especially in his references to charity.

On motion of R. W. William T. Woodruff the address was received and refer to appropriate committees. R. W.'s William T. Woodruff, Enoch P. Breed and John C. Boak were appointed such committee.

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On motion of M. W. Isaac Phillips 1,000 copies were ordered to be printed.

The Grand Secretary then read his twenty-first annual report, from which the following is extracted:—
Receipus, 562,145 44; expenditures, 562,145 44, leaving nothing in the treasury. Seventeen new lodges were instituted and fifteen, under dispensation, are waiting for warrants. Six hundred and eighty-two lodges have made returns, and one only had failed to make such returns. There were 5,300 initiations and 1,000 affinations. Total, 6,300. There were 1,777 admitted, 49 expelled, 25 suspended, 2,840 stricken from roll for nonpayment of dues; restored, 352; died, 945. Total members on May 1, 79,849. Thirteen lodges were chartered under the rules of 1860. The Grand Secretary refers to the distress from yellow fever in Tennessee and the relief extended to the sufferers from this State, notwithstanding the financial stringency and panic prevailing here at the time. He then says:—"And now at the end of twenty-one years' service I trust I may be pardoned for calling attention to the great and important changes which have taken place in the condition of the fraternity. In 1853 the highest number of lodges was 258, now we have 730; there were only 233 warranted lodges, now there are 683. The membership did not exceed 12,000; now there are over 80,000 contributing members."

The Grand Treasurer reported that he had received \$45,661 75 for the current year, which was placed in the hands of the National Trust Company.

ceived \$45,001 73 for the current year, which was placed in the hands of the National Trust Company.

The trustees of the hall and asylum fund then presented their report. It spoke in warm terms of the architect, W. Brother Le Brun, and the builder, Brother John L. Conover, and thanked R. W. Charles Roome, W. Brother John G. Barker, R. W. John J. Gonnan, M. W. John W. Simons and others for valuable aid rendered, both pecuniarily and otherwise. Brother Simons was especially thanked for his successful efforts on behalf of the fund in the interior of the State. The receipts from various sources were \$173,306 72 and the disbursaments \$171,874 92, leaving a balance in the banks of \$1,431 82.

On motion of M. W. isaac Philips, amended by a brother in the body of the hall, the election of grand officers was made the special order for Thursday morning, at ten octock.

R. W. William T. Woodruff moved that the rules of order be so amended as to have no committees on charity and on exemplification of the work. Lost. The following standing committees were announced:—

Oredentials and Returns—R. W. James M. Austin, W.'s Daniel Cameron and Judson W. Perrine.

Condition of Masonry—M. W Joseph D. Evans, Stephen H. Johnson, James Gibson, Isaac Phillips, James Jenkinson and R. W.'s Bobert McCoy and Ellwood E. Thorne.

Warrants—R. W. James W. Husted, Daniel Sickels, W.'s William F. Costenbader, William R. Hyde, John Keyes Paige, Thomas C. Chittenden, R. W. John D. Williams, W. Franklin E. Smith and Frederick Held.

Grievance—R. W. Orlando D. M. Baker, Seymour

Sickels, W.; withing F. Costendaer, which sicked and Frederick Heid.

Grievance—R. W. Orlando D. M. Baker, Seymour H. Stone and John Vandenberg.

Finance—R. W. Edmund L. Judson, Richard M. Huntington and William B. Flint.

Accounts of Representatives and Pay of Members—W. William M. Lester, Williamson Spruce and John P. Roberts.

*Constitution and By Lavis—M. W. James Gibson, R. W. Jesse B. Anthony and Henry Chinds.

Unfinished Business—W. Alexander Barr, W. George McGwan and W. Hector Sinclair.

Printing—W. John F. Baldwin, W. Henry Clay Lanius and W. Louis S. Boardman.

Work and Lectures—R. W. G. Fred Wiltsle, W. John Giffin, W. Henry Y. Meyers, W. James Ten Eyck, W. Stephen L. Stillman, W. John W. Vrooman, W. Zan L. Tidball, W. Daniel T. Hunt, W. Benjamm Flager.

Hall and Asylum—R. W. Horace S. Taylor, R. W. Thomas C. Cassidy, R. W. Horace C. Sawtelle, R. W. Sandford J. Thatcher, R. W. Edwin M. Hurbrook, R. W. Charles B. Foster, R. W. Chancey N. Shipman, R. W. George F. Loder, R. W. Williams S. Gleason.

R. W. Enoch P. Breed moved that a committee on charity be appointed, which was adopted; and the Grand Master appointed, which was adopted; and the Grand Master appointed the Grand Stewards, viz.—R. W. Henry A. Richey, Levi M. Gano, Frank W. Hopkins and William A. Brodle.

Ponensylvania, was announced and admitted, but declined a public reception.

The Orand Lodge was then called from labor at five o'clock to resume at nine this morning.

THE MASSACHUSETTS CONSTABULARY BILL

Message of Lieutenant Governor Talbot Detailing His Reasons Therefor.

Lieutenant Governor Taibot sent into the State Senate this afternoon a message, accompanied on his veto, of the bill to abolish the State Constabnlary. The message was quite long and was read in the Senate. After referring briefly to the noveity of his position in an introductory way, the Lieutenant Governor calls attention to the bill and gives his reasons for vetoing it. He says, virtually, that although but established nine years, the force has been of great benefit in enforcing

tually, that although out established nine years, the force has been of great benefit in enforcing order and in executing the criminal laws of the State. The local police, he states, are appointed in accordance with local interests, and it is inconvenient to transfer them for duty in other places. In this respect the constant demand for their parces from all parts of the State shows the necessity for the force. In this respect they have always proved exceedingly useful and valuable. In the Execution of The Liquon Law they have done much service, and are, in fact, a necessity. If this was the reason for abolishing the force it was an act inconsistent with public morality to abolish a force because it executed the laws. If the argument was that they had done too little then it was better to make the force more efficient. If the local and state police together could not enforce the law, it argued the need for more instead of less force. He had yet been unable to see any just reason for setting aside an instrumentality that had been so efficient in executing the laws in different parts of the State, and that has rendered such good service.

The Governor then proceeded to discuss the dimculties which attended the bill in the absence of all provisions for the final disposition of liquor cases now pending, the return or condemnation of seized fliquors and other similar points. He also argued the difficulties attending the carrying out of that portion of the bill giving him the power to call on the local police, &c.